

REPORT TO THE JERICHO DEVELOPMENT REVIEW BOARD

DEVELOPMENT REVIEW BOARD HEARING DATE: March 10, 2016

REPORT PREPARATION DATE: February 1, 2016

APPLICATION TYPE: Minor Subdivision/ Boundary Adjustment

APPLICANT/OWNER: Phylvin Acres, LLC c/o Betty Keefe

DESCRIPTION: A request to the DRB by Phylvin Acres, LLC for a minor subdivision/ boundary adjustment. The parcel is located at 579 Browns Trace in the Rural Residential, Agriculture, and Forestry Zoning Districts.

IDENTIFYING INFORMATION:

LOCATION: 579 Browns Trace

PARCEL NO: BT579

TOTAL ACREAGE: ± 90.5 (± 16.9 to be subdivided off to BT615, ± 73.5 to remain at BT581)

ZONING DISTRICT: Rural Residential, Agriculture, Forestry

EXISTING USE: Undeveloped lot

PROPOSED USE: Boundary adjustments to abutting parcel, 615 Browns Trace. No development or subdivision is proposed with this land sale. The purpose of the conveyance is for recreation and cordwood use.

NOTICE OF PUBLIC WARNING/ ABUTTERS:

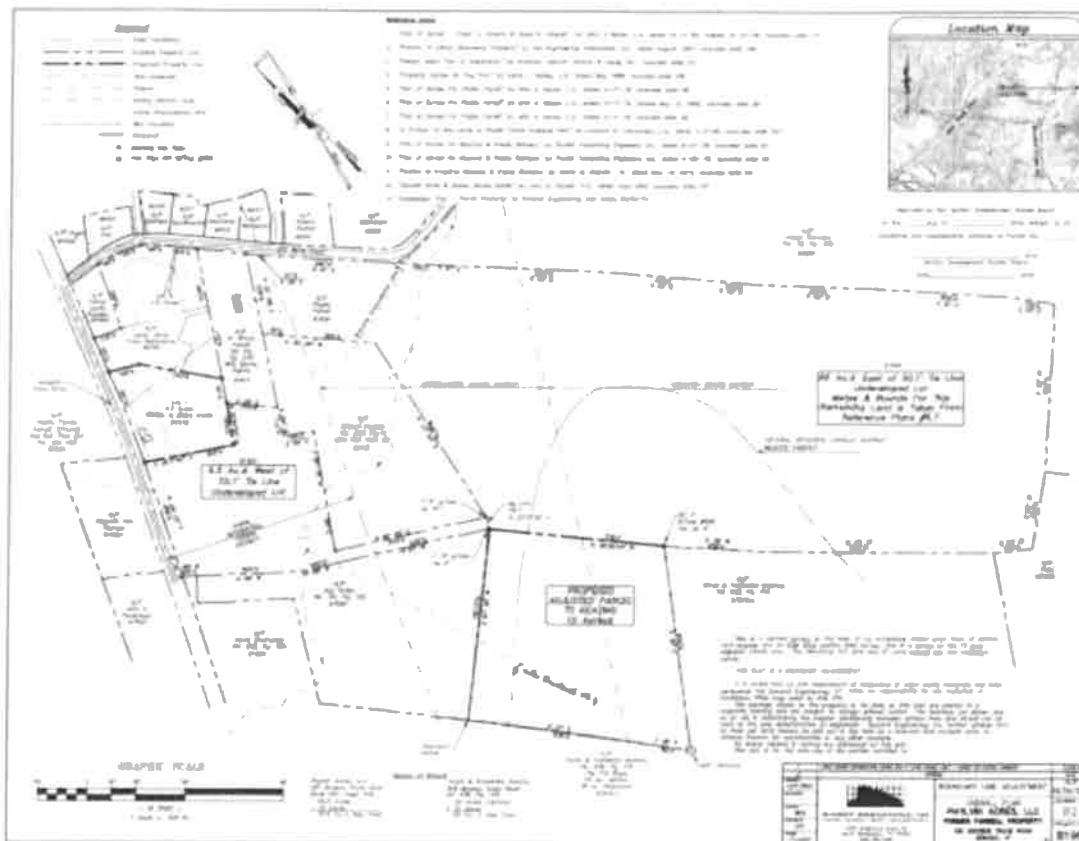
Notice of Public Warning published in the Mountain Gazette on February 18, 2016.

Notice of Public Warning posted on Feb. 24 & 25, 2016 (Desso's, PO, FPF, DR Library, Jacob's, JCaT, TOJ)

Onsite posting sent on February 23, 2016 for applicant to post on property.

Notice of Public Warning sent to abutters & applicants on February 24, 2016

LOCATION MAP:



Final plat as submitted by Dean Grover of Summit Engineering, January 26, 2016

PROJECT OVERVIEW

This parcel is located in the Rural Residential, Agriculture, and Forestry Zoning Districts. Minimum lot size for the Rural Residential District is 3 acres, and minimum lot size for the Agriculture and Forestry Districts is 10 acres.

The proposed boundary adjustment includes no development. The conveyance will provide the recipients, the Keatings, better access to the forestry practices occurring on their land at 615 Browns Trace.

PREVIOUS ACTIVITY

In 2013, this parcel, then BT579 and ± 182.53 , underwent a subdivision to separate ± 4.8 AC building lot and ± 3.2 AC parcel for the existing home of Elizabeth Keefe. The remaining lands, ± 90.5 are the subject of the current subdivision/boundary adjustment. The approval for that subdivision has been attached to this memo.

DEPARTMENTAL REVIEW AND COMMENTS

10.7.1. Boundary adjustment applicability: Any boundary adjustment must satisfy the requirements of this section. Boundary adjustments shall require review and approval by the Zoning Administrator and shall be submitted for filing with the Town Clerk. If the total acreage transferred as a result of a boundary adjustment exceeds the minimum lot size in the district in which the property is located, the boundary adjustment shall be treated as a minor subdivision.

10.12.3.1 Minor subdivisions shall include any subdivision of land, or the re-subdivision of a previously subdivided parcel within a period of 120 months, that results in the creation of three [3] or fewer lots (not including open land in a PUD) and which does not require the construction of any new public or private roads. Minor subdivisions shall also include an amendment to an approved subdivision which does not result in a major subdivision. Minor subdivisions shall require final review approval pursuant to Section 10.12.9.

10.12.3.2. Major subdivisions shall include any subdivision of land, or the resubdivision of a previously subdivided parcel within a period of 120 months, that results in the creation of four [4] or more lots (not including open land in a PUD) or which requires the construction of any new public or private streets. Major subdivisions shall require preliminary and final review approval pursuant to Section 10.12.8 and 10.12.9.

This application is being reviewed as a MINOR subdivision. While this is the fourth subdivided parcel in 120 months, no new lot will be created as a result.

GENERAL DEVELOPMENT STANDARDS (10.12.5, 11.1-11.14)

11.1 Roads/Access

No new access is proposed at this time. An existing logging road on the parcel is used for gathering wood.

11.4 Lot Layout

11.4.8. The Development Review Board shall encourage lot layout that will preserve open space areas and significant natural resources.

No new building lots are proposed at this time. The proposed adjusted parcel is within the Natural Resources Overlay District (green), and the Wellhead Overlay District (Area 3, pink). BT581 is also within the River Overlay District (dark purple), but is not in the area to be subdivided.

Permitted uses in the Natural Resources Overlay District include wildlife management, passive recreation, selective timber cutting (for personal use/woodland management), agriculture & forestry (see full table §6.7.3). Permitted uses in the Wellhead Protection Area-3 include: Wildlife management; Passive recreation; (c) Proper operation and maintenance of existing dams, splash boards, and other water control, supply and conservation devices; Maintenance and repair of any existing structure; Agriculture and forestry; and all permitted uses within the underlying district.

11.5. Grading/Slope/Ridgeline

11.5.1. All land development and subdivision shall be planned to retain, as much as possible, the natural contours and to conserve the natural cover and soil. The landscape shall be preserved in its natural state, as much as practical, by minimizing tree and soil removal and nonessential grading. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas.

No impact proposed at this time.

11.7. Water Supply and Sewage Disposal

11.7.1. No zoning permit shall be issued for any structure requiring facilities for water supply or sewage disposal, including a mobile home, in any district, unless applicable approvals have been obtained from the Vermont Agency of Natural Resources and/or the appropriate Water District.

No facilities requiring water storage or sewer disposal are proposed at this time.

11.9. Site Layout and Design

The siting and architectural design of the project shall be compatible with existing and planned improvements and the character of the area in which it is to be located, as defined by the purpose of the zoning district, the Jericho Comprehensive Town Plan, and the standards listed below. The Development Review Board should encourage the use of a combination of common materials and architectural characteristics, landscaping, buffers, screens and visual interruptions to create attractive transitions between buildings of different architectural styles:

11.9.2. Rural Residential, Village, and Agriculture and Forestry Districts: Site layout and design shall reinforce the rural landscapes of these districts. Development shall be sited to minimize, to the extent feasible, encroachments on natural resources and environmentally

sensitive areas including steep slopes, open fields and prominent ridgelines and hillsides. Commercial uses shall be sited so as to blend with the predominately rural/residential character of these areas.

Development is minimized; encroachments on natural resources and environmentally sensitive areas are extremely limited.

11.13. Storm Water

No construction proposed.

10.12.9.4. Legal Documents.

The final plat application for a minor or major subdivision shall be accompanied by the following legal documents. Should the Development Review Board determine it necessary to employ an attorney to review any legal documents, the costs of such attorney shall be paid by the applicant. Issues that may be reviewed include but are not limited to:

***10.12.9.4.1.** Information on all proposed publicly-owned land, Rights-Of-Way, or easements, including certificate of title, offer of irrevocable dedication, and warranty deed, free and clear of all encumbrances, to be recorded after final acceptance of all streets, easements, parks, or other open space by the Town.*

***10.12.9.4.2.** Copies of agreements or other documents showing the manner in which common property and/or space is to be maintained, including any conservation easements. Any common property and/or open space shall be defined and consistent with the approved site plan. Open space restrictions and reservations shall be permanent. All lots/units shall receive perpetual right for use of common properties and facilities, unless exempt from this requirement by specific action of the Development Review Board.*

***10.12.9.4.3.** Bylaws, Articles of Incorporation, or Covenants of any homeowners association, declaration of condominium, or other applicable legal agreements. Homeowners association responsibility, mandatory membership, and lienable assessment power shall be provided for by the homeowners association documents and individual lot deeds. The association shall have the duty to obtain liability, property, and casualty insurance, and responsibility for expenses relating to management and maintenance of association-owned structures. A provision shall be included for Town takeover in the event of failure of essential services, including the power of the Town to appoint a receiver to assess the property for funds to cure defects in facilities.*

***10.12.9.4.4.** All restrictions and covenants to be included in individual deeds.*

***10.12.9.4.5.** Any other data, such as contracts, certificates, affidavits, endorsements, receipts, or other materials or agreements which have been required by the Development Review Board or the Selectboard.*



Water and Wastewater - Site Design
Stormwater Management - Environmental Consulting

2044 Main Road, Huntington, Vermont 05462
phone: 802-434-2989; email: dean@groverengineeringpc.com

LETTER OF TRANSMITTAL

To: Michele Patrick, ZA
Town of Jericho, P&Z Office
PO Box 39, 2nd floor
Jericho, VT 05465

Date: January 26, 2016
Project No. 15013
Re.: Final Subdivision – Phylvin
Acres conveyance to
Keating

We are mailing to you X attached under separate cover the following items:

Copies	Date	Sheet No.	Description
1	1/28/2016	8 pages	DRB – Subdivision Application – Final Plan Review
1	undated	NA	List of Abutters to Phylvin Acres Lot BT581
9	9/9/2105, Rev 1/6/2016	B2 (11x17 reduction)	Final Plat: <u>Boundary Line Adjustment – Phylvin Acres</u>
(original)	1/26/2016	NA	Check to Town of Jericho – Permit Fee: \$225

These are transmitted as checked: As Requested For Your Use For Review & Comment
 X Permit Application

Notes:

Michelle: These documents comprise the materials for the Final Subdivision Hearing for conveyance of about 15 acres from Phylvin Acres to the Keatings. We seek to present this application to the DRB on March 10, 2016

I will be sure to bring two rolled-up, full sized (C-sized) copies of the final plat to the March 10, 2016 hearing.

Please contact me immediately if any materials or documents are missing. –Thanks, Dean Grover, PE

Town of Jericho

Development Review Board SUBDIVISION Application

Application #: 2016003Parcel Code: BT579

1. The undersigned hereby applies to appear before the Development Review Board for the following (check one):

- ☒ **Boundary Line Adjustment**
☐ **Sketch Plan Review**
☐ **Preliminary Plan Review**
☐ **Amendment to Subdivision Approval**

Final Plan Review:

- ☒ **MINOR** Subdivision (1-3 lots) - *must complete all requirements in Section 10 of the Jericho Land Use and Development Regulations (see checklist).*
☐ **MAJOR** Subdivision (4+ lots) - *must complete all requirements in Section 10 of the Jericho Land Use and Development Regulations (see checklist).*

Number of lots resulting from subdivision: 12. **Project Information**Description: Conveyance of approx. 15 acres from Phylvin Acres, LLC to David & Frederike KeatingLocation: 579 Browns Trace RoadZoning District(s) in which property is located: AGR COM FOR OS RR VCTR VIL3. **Interested Parties**Applicant Name: Phylvin Acres, LLC; contact person: Betty KeefeEmail address: bettykeefe50@comcast.net Mailing Address: 579 Browns Trace Road, Jericho VT 05465Phone: 899-3926 Applicant's relationship to parcel (check one): ☒ Owner ☐ Option to purchase

Landowner of Record Name (if not applicant): _____

Address/Phone: _____

Professional advisor(s) Give name, address, phone, title:

Professional Engineer Dean Grover, Grover Engineering PC, 2044 Main Road, Huntington VT 05462, Professional Engineer

Other (specify) _____

Name(s) of current adjacent landowner(s):

All abutters are identified on the final plat.

Elizabeth Keefe
 Landowner Signature (Date) for Phylvin
 Acres, LLC

Elizabeth Keefe
 Applicant Signature (Date) for Phylvin Acres, LLC

FOR OFFICE USE ONLY

Public Hearing(s): Date

DRB Action taken:

March 10, 2016Fee Paid: \$225.00Application Date: 1/28/16

Decision Date: _____

MINOR SUBDIVISION APPLICATION REQUIREMENTS		
A. APPLICATION INFORMATION	SKETCH PLAN (optional)	FINAL PLAT
Number of copies	1	9
Application Fee	✓	✓
Subdivision Name or Title of Project (if any)	✓	✓
Name and Address of Applicant and Landowner, and professional advisors, including license number and seals	✓ ¹	✓ ¹
Written Statement Outlining Scope of Project, including: total acreage and number and size of lots proposed; phasing of development, etc.; general information on pattern and area of lots, building types and approximate sizes, open space and recreation areas; and specific request for action by the Development Review Board [DRB]	✓	✓
Written Request for waiver of other standards contained in the Land Use and Development Regulations	✓	✓ ^h
Written Request for any Density Bonus under Section 10.13.8.2.	✓	✓
Evidence of Written Notification to Abutting Landowners of intent to subdivide		✓
Questionnaires and other forms requested by the Planning Office		✓
B. PLAN/PLAT MAPPING REQUIREMENTS	SKETCH (opt)	FINAL PLAT
Materials	on paper	on paper
Number of Full Size Sets of the Proposed Plan		2
Number of Printed Copies of Proposed Plan/Plat reduced to 11" x 17" paper, along with copies of supporting documentation/additional information		9
Proposed Plan/Plat and supporting documentation in electronic file (.pdf) format		✓
Date, True North Arrow, Legend	✓	✓
Preparer Information, Certifications	✓	✓
Scale (not less than 1 inch = 200')	✓	✓
Zoning District designation and boundaries	✓	✓
Subdivision Boundaries and Property Lines, indicating existing and proposed lot and road lines; pedestrian ways, reservations and area(s) to be dedicated to public use, including dimensions, and names and addresses of adjoining and facing landowners	drawn	surveyed ³
Adjoining Land Uses, Roads and Drainage and any existing restrictions on use of land including easements, covenants and zoning district boundaries, and acreage of such land involved	drawn	surveyed ³
Existing and Proposed Contour Lines in area to be developed	indication	5' interval ⁴
Conceptual Plan for future phases of development meeting the requirements of Section 10.12.7 (For Conventional Subdivisions) or Section 10.13.12 (for PUDS) (recommended for Conventional Subdivisions and Required for PUDS)	draft	final
Location of all overlay districts, including the Wetlands Overlay District, River Overlay District, Wellhead Protection Overlay District, and Natural Resource Overlay District	indication	delineated in area to be developed
Location of slopes 25% or greater, indication of the total area of disturbance of such slopes, and information regarding slope stabilization and erosion control measures (See Section 11.5.2)	indication	delineated in area to be developed

B. PLAN/PLAT MAPPING REQUIREMENTS (cont'd)	SKETCH (opt)	FINAL PLAT
Location of Other Natural and Cultural Resources, including: existing and proposed roads, paths, parking areas; water courses, floodplain, natural drainage ways, class iii wetlands, marshes; farm land and forest resources; public facilities, utilities and historic resources; steep slopes, prominent knolls and ridgelines; wildlife habitat and natural areas; and other significant physical features in and near the subdivision and acreage of such land involved, along with any associated Rights-Of-Way or easements	indication	delineated in area to be developed
Existing and Proposed Utilities, Water and Wastewater Systems and associated Rights-Of-Way or easements		√
Existing and Proposed Building Envelopes, structure setback lines and distances		√
Existing and Proposed Landscaping and Screening		√
Existing and Proposed Open Space Lands, Buffer Zones, and/or easement areas		√
Engineering Reports (water and wastewater systems)		√ ^{b,c,f}
Existing and Proposed Homeowner or Tenant Association Agreements	draft	final ^{l,j}
Proposed Letter of Credit, Performance Bond or other Surety	draft	final
Proposed Road Profiles, including names; road, intersection and parking area geometry; and construction schematics within area to be developed, including lengths of all straight lines, slopes, the deflection angles, radii, lengths of curves and central angles of all curves, tangent distances and tangent bearings for each road		√ ^a
Proposed layout of lots within the subdivision numbered in numerical order, such that even numbered lots are on the right side of the road, and odd on the left, as oriented from the point of road origin/intersection with existing main road		√
Dimensions of each lot to the nearest foot and area to the nearest 1/100th of an acre, and all angles and bearings to the nearest minute		√
Calculation of total amount of new impervious surfaces	estimate	√
Stormwater and Erosion Control Plan showing temporary and permanent procedures		final
Documentation that Stormwater Management measures at minimum meet the Recharge (Rev) and water quality volume criteria, if more than 0.5 acres of impervious surface are created (see Section 11.13.1.4)		final including calculations
Monument Locations in accordance with Article 3, Section 1(10)		√
C. Other Data As May Be Required by the Development Review Board:	SKETCH (opt)	FINAL PLAT
Information regarding runoff during the 25-year storm		as requested during sketch plan review or required by Land Use Regulations
Erosion Control Risk Evaluation Checklist from the Vermont Department of Environmental Conservation		
Stormwater and Erosion Control Plan showing temporary and permanent procedures		
Grading Plan (showing proposed areas of cut and fill)		
Open Space Management Plan		
Site Reclamation Plan (for subdivisions involving extraction)		
Traffic Study (current and proposed traffic volumes, capacities, levels of service, proposed improvements. See Section 11.1.5.)		
Statement of Conformance with the Town Plan and compliance with applicable local regulations		

- 1) *If the owner of record is not the applicant a letter from the owner of record authorizing the applicant to apply for subdivision must be submitted.*
- 2) *A Mylar shall be recorded in the Jericho Land Records within 180 days of final approval. Sheet size of originals for recording by the Town Clerk must be less than 18 inches by 24 inches.*
- 3) *Upon written request specific requirements may be waived by the Development Review Board per Section 10.12.4.*
- 4) *Large areas to be set aside unchanged for open space and passive recreation, as well as minor grading in conjunction with construction may be exempt from detailed contour information*

IN ADDITION to the required components outlined above, for Final Plat review and approval, the following components may be required of the applicant by the Development Review Board:

- a) A letter from the Selectboard indicating its approval of construction details for any proposed public road. Road profiles shall show accurate existing and finished grades together with typical cross-sections and construction plans, including details of the drainage structures, banks, etc., in conformance with the Public Works Specifications and shall be certified by a registered professional engineer.
- b) A letter from the commissioner of the water district, if the subdivision is proposed to be served by public water supply, stating that the water district has adequate capacity to serve the subdivision and noting any improvements or modification necessary to serve the subdivision.
- c) Evidence from the applicant, if the subdivision is proposed to be served by private water supply for two or more connections, that establishes adequate quality and quantity of water. The DRB may require the applicant, prior to approval, to make one or more test wells if additional evidence is required.
- d) A letter from the Underhill-Jericho Fire Department affirming its ability to provide adequate fire protection or noting any improvements or modification necessary to gain that ability.
- e) A letter from the Chittenden East School District Superintendent addressing the effect of the development on the capacity of the school system.
- f) Results of two [2] percolation tests and two [2] test bores dug to seven [7] feet on each proposed lot, if individual septic systems will serve each lot, or in the area of the community leach field, and the design of the proposed septic systems by a registered professional engineer.
- g) Engineering and construction details of stormwater drainage system.
- h) Written request for any waivers from the regulations deemed necessary for approval of the Plan/Plat.
- i) Any proposed covenants and/or deed restrictions intended to cover all or a portion of the subdivision, including any open space agreements or easements.
- j) A prospectus describing the management structure of the homeowner's association if one is proposed. Included shall be a disclosure statement that will be given to all prospective purchasers, detailing responsibility for services, including but not limited to maintenance of any roads or other common infrastructure within the subdivision.
- k) The following endorsement on each section of the applicant's final submission to be completed by the Chair of the DRB or designated representative, upon approval:

<p style="text-align: center;">Approval by the Jericho Development Review Board</p> <p>on the _____ day of _____ 201____ subject to all</p> <p>conditions and requirements attached to Permit # _____.</p> <p style="text-align: center;">_____, Chair</p> <p style="text-align: center;">Jericho Development Review Board</p> <p>Date _____ 201____</p>

plan description of the Rural Residential District that you are in, is really what you are driving at. Mr. West said the staff notes discuss a maintenance agreement between parties. Ms. Patrick said if they decide to shorten Theresa Lane that is what they want to do. She said in terms of a maintenance agreement for this part of the driveway is something they may want to consider. She said it seems like no one knows what is going to happen.

Mr. Aube asked if that is something the Town wants them to do. Mr. King said generally when there is a shared driveway we like to have a written agreement for maintenance, discussing what should be included. He said the reason is that it is the legal access to the lots. He stated as part of doing the new deeds for the new plats, you usually would file that maintenance agreement as part of the process. Mr. Aube asked if that has to be signed and notarized. Mr. King said in the past we have just asked that there be one. Ms. Patrick stated it needs to be present by final review and recorded in the Town Land Records. Mr. King said it can be real simple, but it needs to be part of the proposal. Ms. Patrick discussed different approaches to the maintenance agreement.

3. A request to the DRB by Phylvin Acres, LLC for a sketch plan review of a major subdivision at 579 Browns Trace Road. This parcel is located in the Rural Residential, Agriculture, and Forestry Zoning Districts.

Applicant's Presentation

Mr. Grover stated they are proposing a boundary line adjustment with no new lots created and no development. He indicated the proposed lot to be conveyed from the Phylvin Acres lot that is about 90 acres to the Keating's who own quite a bit of acreage as well. He stated they reduced the parent lot from 90 acres to roughly 73.5 acres. Mr. Grover said it is an isolated back lot, isolated portion of the parent lot, which is in the Agricultural and Forestry Zoning Districts. He said it is just a conveyance of property; no creation of new lots and no proposed development.

Board Questions

Mr. Flynn asked him to show the intended new outline of the Phylvin Acres. Mr. Grover indicated it on the plan. Mr. Flynn also asked to show the outline of the new lot for Keating parcel. Mr. Grover indicated, noting he doesn't know if they own property in the next town. Mr. King asked about the location, noting the houses he knows in the area. Ms. Patrick indicated the location of Keating's house. Those present discussed the location further. Mr. Flynn asked if Larry plans on doing a survey to tighten it up a little bit. Mr. Grover agreed. Mr. West clarified that the square lot would be conveyed. Mr. Grover agreed.

Mr. King said it looks like Keating's don't have road frontage. Someone indicated the location of Keating's home, saying that this lot provides better access to their land. Mr. Grover noted this also helps with their forestry practices. Mr. King said the present land use in that block changing over, all in that back forest; the big lot is accessed off Milo White Road. Someone agreed. Mr. West said we are not creating any non-conforming anything. Mr. King said Keating's owns two contiguous lots, but they are separately conveyed.

Ms. Patrick said they are substantially within the Natural Resources Overlay District, which is limited in the uses. Mr. King said much of the land that would be conveyed and much of

what they own already. He asked why it is in that category, whether it is due to the steep slopes. Ms. Patrick said she doesn't know. Mr. King asked if there are any other concerns or criteria. Ms. Patrick said this probably won't be relevant, but the permitted uses here are limited to wildlife management, passive recreation, and selective timber cutting. Mr. West said most importantly, the green striped area, which is the majority of that, is restricted to wildlife habitat. He said it is really restricted. Mr. King stated it is an important habitat block and if it helps keep it protected it is actually a good thing. He said it is already protected by the regulations. He said there is no other guidance we can provide.

Ms. Patrick added it was written this was a major subdivision because it is the fourth subdivided parcel in the past 120 months, but because no new lot is being created here it is not considered; just a boundary adjustment that is large. Mr. King said the only other question he has is that the land that is conveyed might change the layout of the new land in such a way it could be subdivided differently in the future, but it is already in the Natural Resources Overlay District, so it is really not relevant. Ms. Patrick stated this lot is very interesting based on how the zoning is with the different districts. Mr. King said because close to road is Rural Residential; though the part that is affected is outside the road corridor. Ms. Patrick said these are both 10 acre zoning, with fairly similar uses. Mr. King said the piece that is being conveyed isn't changing; both parcels, the parent and the new one are all in the same zoning districts, so it doesn't change anything substantial that way either. He said he doesn't see a problem.

Mr. Grover said the Phylvin Acres folks do intend to do some subdividing on the parent lot in the future. He said this area up here is roughly 9 acres and may be split into three lots at some point. He said possibly the remaining back area might be subdivided, but they are really in the early stages, getting some wetland determinations and test pits. Mr. King clarified that there was activity on this subdivision recently, in the last 10 years. He said he remembers seeing something about another lot changed in there and there was an access issue in the corner. Ms. Patrick asked if there is a river right through here. Mr. Grover agreed. Ms. Patrick said if they were going to subdivide back there it would be an interesting access. Mr. King said it was access issue with wetland impact. Mr. Grover stated that is why they are having wetlands looked at.

Mr. Farrell said what Dean referred to as about 9 acres in the 3 acre zoning, there is about a 50' right of way that goes up towards that land that will be given to Keating's. He said in order to get 9 acres that utilizes that 50', there are small increments of that Browns Trace lot that slide into two other zones, noting there are three zones on that lot. He asked how that is going to affect what they do. Mr. West asked how much of it they need to have to create the 3 acre lots there. Mr. Grover stated it is pretty wet over here, so it would be back in this area. He said you are speaking to having access through here. Mr. Farrell said in order to make a total of 9 acres, they would need that strip. He said if they drew a line across the top of that strip it would make it 9 acres, but would that put them in a 10 acre zone, with a non-conforming lot.

Mr. King stated the rules are clear on a piece of land that is in both zones. He said the lot that you are pointing at, part of that is in 10 acre zoning. Mr. Farrell said it runs into the forest and agriculture. The DRB members discussed how the rules apply when a parcel is in more than one zone. Mr. Farrell said 8 out of the 9 acres would be in the 3 acre zoning. Mr. King said he doesn't think it is the majority, but the least restrictive. Mr. Grover clarified that even though a portion of this lot has 10 acre restriction, the majority rules. Mr. King stated it is not a majority,

saying they should look at the regulations. He said it has to do with what the restrictions are and the more restrictive or less restrictive side of the line.

Ms. Patrick referred to Section 3.4.3, saying it speaks to frontage and setbacks. She read from the section in the regulations. Mr. King said where the building envelopes are and the configuration of the lots is important. He said that is not what we are talking about tonight. Ms. Patrick discussed the matter further. Mr. Farrell said in their minds they can look at that as a 9 acre lot with a potential for a three lot subdivision. Mr. King stated this isn't a sketch plan for that, so he doesn't know the answer to the question. He said they would have to look carefully at the rules for the lot layout and lots that straddle the two districts.

4. Minutes from August 27, 2015.

On a motion by Mr. York, seconded by Mr. Flynn, the DRB unanimously approved the minutes from August 27, 2015 as written.

5. Minutes from September 24, 2015.

On a motion by Mr. Flynn, seconded by Mr. York, the DRB unanimously approved the minutes from September 24, 2015 as written; Mr. West abstained.

The Development Review Board entered deliberative session at 8:37 p.m.

Abutting Property Owners

For BT581 Phylvin Acres, LLC

BT579	William & Elizabeth Keefe	579 Browns Trace, Jericho, VT 05465
MI014	M. Shane and Jane Farrell	14 Milo White Rd, Jericho, VT 05465
MI018	Daniel & Elizabeth Hall	18 Milo White Rd, Jericho, VT 05465
MI036	Evelyn V Beliveau Trustee	36 Milo White Rd, Jericho, VT 05465
HP005	Peet, Daniel N & Frederick P & Melissa Anderson & Jennie Erkson	PO Box 481, Richmond, VT 05477
BT615	David & Friederike Keating	615 Browns Trace, Jericho, VT 05465
BT595	David Barrington & Catherine Paris	595 Browns Trace, Jericho, VT 05465
BT591	Jason & Elana Voss	591 Browns Trace, Jericho, VT 05465
BT592	John S & Diane J Parenteau	592 Browns Trace, Jericho, VT 05465
BT584	Deborah Thomas	PO Box 105, Jericho, VT 05465
MI013	Chanon Bernstein & Tracy Dolan	13 Milo White Rd, Jericho, VT 05465
MI017	Robert & Kathleen Bergeron	17 Milo White Rd, Jericho, VT 05465
MI021	Robert DeVost & Nancy Timbers-DeVost	21 Milo White Rd, Jericho, VT 05465
MI031	Richard & Elizabeth Bernstein , Revocable Trust	31 Milo White Rd, Jericho, VT 05465

Phylvin Acres, LLC

579 Browns Trace

Jericho, VT 05465

September 21, 2015

Town of Jericho

Attn; Michelle Patrick

Re: Minor Subdivision Application for Phylvin Acres, LLC

In response to your request for a written statement from the applicant regarding the intent of this boundary adjustment I submit to you the following:

. The 16.9 acres that are the subject of this subdivision are bounded on the east and south by lands of the purchaser;

. on August 6, 2011 I received an email from David Keating expressing an interest in purchasing this portion of land and it was expressly stated within that "we would add this parcel to our land that is already in current use program, which we use for recreation and cordwood".

. We subsequently, this year, entered into a contract for the Keatings to purchase this portion of the lands owned by Phylvin Acres, LLC. Because the subdivision process has not been finalized it has become necessary to extend the closing date. As you will note in the agreement to extend, the Keatings have requested "the opportunity to use the logging road on the property which connects to our current property for our small Kubota RTV to transport wood, as we expected to use it this fall as we replenish our firewood:.

It is my hope that these two attached correspondences support the fact that the land under consideration is backland and the sole purpose of the conveyance is to facilitate access to property already owned by the purchasers for the purposes of firewood and recreation. The land is being conveyed without any additional access from sellers as the access is provided by lands of the purchasers.

Lastly, the selling price of \$36,260 is evident that the sale is just for undeveloped woodland.

Thank you for your consideration; please contact me if you need additional information.

Phylvin Acres, LLC

By; Betty Keefe, authorized agent

A handwritten signature in cursive script that reads "Betty Keefe".

woodlot

From : David Keating <keatingvt@gmail.com>
Subject : woodlot
To : Betty Keefe <bettykeefe50@comcast.net>

Sat, Aug 06, 2011 01:28 AM

📎 1 attachment

Hi Betty,

Thank you for returning my call today.

I have attached a portion of the town parcel map that I have annotated. It is in JPEG format, hopefully you can view it without a problem.

The area outlined in red was the portion that I was trying to describe to you on the phone. Before talking with you, I had assumed you were selling a large parcel that extended to Browns Trace (including the portion labeled "Farrell?" with blue background) as well as to Milo White (portion outlined in green). Because it seemed like such a large lot (>100 acres?) I was hoping your family would consider carving off that portion in red. However, if you are selling "only" 70 acres of woodland (the combined areas outlined in green and in red?) then my wife and I would be interested in the entire parcel you planning to put up for sale.

We would add this parcel to our land that is already in current use program, which we use for recreation and cordwood.

Anyway, I hope this gives some perspective of what we are looking for.

Sincerely,

David Keating
615 Browns Trace
802 324 1986



farrell.jpg
660 KB

XFINITY Connect

bettykeefe50@comcast.net

[+ Font Size -](#)**RE: Milo White****From :** Wendell Farrell <wendell@wendellsfurniture.com>

Thu, Sep 17, 2015 12:12 PM

Subject : RE: Milo White**To :** Nancy Jenkins <nancyj@nancyjenkins.com>, Betty Keefe <bettykeefe50@comcast.net>**Cc :** Carol Blouin <carol@nancyjenkins.com>, Shane Farrell <vtshane@outlook.com>

Ok with me. Wendell

From: Nancy Jenkins [mailto:nancyj@nancyjenkins.com]**Sent:** Thursday, September 17, 2015 7:51 AM**To:** Betty Keefe <bettykeefe50@comcast.net>**Cc:** Wendell Farrell <wendell@wendellsfurniture.com>; Carol Blouin <carol@nancyjenkins.com>; Shane Farrell <vtshane@outlook.com>**Subject:** FW: Milo White

Betty, Shane and Wendell, is this ok?

Thank you for sending us an addendum apparently to delay the closing date. We have no problem accommodating this change with two modifications:

1. we would appreciate the opportunity to use the logging road on the property which connects to our current property for our small Kubota RTV to transport wood, as we expected to use it this fall as we replenish our firewood.
2. The closing date on the amendment does not work for us as we will be away the week of Thanksgiving. The preceding week Wed - Friday are possible (Nov 18-20).

Friederike Keating

Nancy Jenkins, CRB,CRS

nancyj@nancyjenkins.com

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Please copy carol@nancyjenkins.com on any emails regarding a Purchase and Sale Contract in process.

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